

1 abuse victims?

2 A No. I think that's about -- those are most of
3 the points, I believe.

Same
response
as
p. 87

4 Q Did you receive training on note-taking or
5 videotaping or audiotaping those therapy sessions?

6 A Well, we -- note-taking but not video or
7 audio.

8 Q Okay. All right. What was the training you
9 received in regard to taking notes of your therapy
10 sessions involving child sexual abuse victims?

11 A That you should use just the words that the
12 child uses. Don't use advanced terminology that the
13 child has not used. To have them, you know, describe
14 what's happened to them only in their own words.

15 Q Have you ever seen the report written by
16 Shirley Spencer that documents what Kathryn Spencer told
17 Shirley Spencer that started this whole case?

18 A Have I seen -- did you say have I seen the
19 document?

20 Q Yeah. A handwritten report written by
21 Shirley Spencer documenting Kathryn Spencer's initial
22 disclosure of sexual abuse by her father.

23 A No.

24 Q Have you ever seen that?

25 A No.

Objection
-Irrelevant
-Question
misstates
evidence.

5044.093461
09/23/07

goes to
weight,
&
accuracy
states
evidence

1 MS. ZELLNER: I would object. It allegedly
2 documents the disclosure.

3 BY MR. FREIMUND:

4 Q You've never seen that, ma'am?

5 A No.

6 Q Did you ever ask to see that?

7 A No.

8 Q All right. I don't have anything more for you.

9 MS. ZELLNER: Dr. Link, would you like to
10 reserve signature so you can read the deposition before
11 signing it?

12 THE WITNESS: Yes.

13 MS. ZELLNER: Okay. So we'll get that to you.
14 I'd like to go ahead and order the deposition.

15 THE COURT REPORTER: Very good. Did you want
16 the exhibits attached?

17 MS. ZELLNER: Please.

18 MR. FREIMUND: This is Jeff Freimund. I would
19 like an E-Tran, please.

20 And can I give you my email address?

21 THE COURT REPORTER: Please do.

22 MR. FREIMUND: It's JeffF -- that's three F's.
23 I recommend capitalizing the third one.
24 JeffF@Fjtlaw.com.

25 THE COURT REPORTER: Thank you, sir.

1 Anybody else?

2 MR. JUDGE: This is Dan Judge, and I would like
3 an E-Tran as well, and here is my email address:
4 DanielJ@atg.wa.gov.

5 THE COURT REPORTER: Thank you, sir.

6 Last but not least.

7 MR. JUSTICE: Yeah. John Justice here. I'd
8 like an E-Tran only as well.

9 Ready for my email address?

10 THE COURT REPORTER: Yes, sir.

11 MR. JUSTICE: It's G -- this is not me. This
12 is my partner. Gbogdanovich -- b-o-g-d-a-n-o-v-i-c-h --
13 @lldkb.com.

14 THE COURT REPORTER: And, gentlemen, would you
15 like the scanned exhibits included with your E-Tran?

16 MR. Freimund: No, thank you, for
17 Jeff Freimund.

18 MR. JUDGE: No, thank you. Dan Judge.

19 MR. JUSTICE: No. John Justice. No.

20 MS. ZELLNER: Thank you.

21 (Deposition concluded at 11:12 a.m.)

22 * * *

23

24

25

Deposition of Ann Link, Ph.D.

SPENCER VS. PETERS

DEPONENT'S SIGNATURE

Please be advised I have read the foregoing
deposition, pages 1 through 91, inclusive.

I hereby state there are:

(check one) _____ no corrections

_____ corrections per attached

Date

ANN LINK, PH.D.

1 STATE OF CALIFORNIA

2

3

4

5 I, Karen Cosgrove, CSR 12425, a Certified
6 Shorthand Reporter in and for the State of California, do
7 hereby certify that, prior to being examined, the witness
8 named in the foregoing deposition was by me duly sworn to
9 testify the truth, the whole truth, and nothing but the
10 truth; that said deposition was taken down by me in
11 shorthand at the time and place named therein and was
12 thereafter transcribed under my supervision; that this
13 transcript contains a full, true and correct record of
14 the proceedings which took place at the time and place
15 set forth in the caption hereto; that this transcript was
16 prepared in accordance with the minimum transcript format
17 standards as set forth by the California Certified
18 Shorthand Reporters Board.

19 I further certify that I have no interest in
20 the event of this action.

21

22 EXECUTED this 31st day of December, 2012.

23

24

25

Karen Cosgrove

GOLDEN STATE REPORTING & VIDEO
3800 Watt Avenue, Suite 201
Sacramento, California 95821
(916) 489-5900

January 2, 2013

Ann Link, Ph.D.
5801 North Avenue
Carmichael, California 95608

Re: Clyde Ray Spencer, et al., vs. Former Deputy
Prosecuting Attorney for Clark County James M. Peters,
et al.

Date of Deposition: December 17, 2012

The transcript of your deposition taken in the
above-entitled matter has now been completed. The
original transcript will be held in this office for 35
days from the date of this letter before it is sealed and
forwarded to the deposing attorney. You have the right
to review, sign, and make corrections to your transcript
within the 35-day period by coming to our office. Please
call the above number to make an appointment for your
review. It is standard policy not to release the
original transcript, and complimentary copies are not
provided.

If you are represented by an attorney, I advise that you
contact your attorney to discuss the matter. You may
read your attorney's copy of the transcript and forward
any changes to our office by letter or by filling out the
correction page included in the transcript. If you are
an independent witness and have any questions, please
contact the attorney who requested you to testify or this
office for further instructions.

There is no need to contact this office if you do not
wish to read your transcript.

Very truly yours,

GOLDEN STATE REPORTING & VIDEO

cc: All Counsel

Defendants object
to Ex. 1 to Ms. Link's
deposition as hearsay,
and cumulative
to her
deposition
testimony.
Plaintiff
has
stated
he does
not
intend
to offer
the remaining
Exhibits to
Ms. Link's
deposition and
Defendants will not
be offering them
either

12/13/2012 10:13 9164895624

C.C. COUNSELING

PAGE 01

Honorable Judge Benjamin Sattle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY
SPENCER, and KATHERYN E. TETZ,

Plaintiffs,

v.

FORMER DEPUTY PROSECUTING
ATTORNEY FOR CLARK COUNTY JAMES
M. PETERS, DETECTIVE SHARON KRAUSE,
SERGEANT MICHAEL DAVIDSON, CLARK
COUNTY PROSECUTOR'S OFFICE, CLARK
COUNTY SHERIFF'S OFFICE, THE COUNTY
OF CLARK and JOHN DOES ONE THROUGH
TEN,

Defendants.

No. C11-5424BHS

DECLARATION OF ANN LINK,
Ph.D.

Pursuant to 28 U.S.C. § 1746, Ann Link, Ph.D., declares under penalty of perjury under the laws of the State of California and the United States of America that the following is true and accurate:

1. My name is Ann Link, Ph.D. I am a licensed clinical psychologist practicing in the state of California. My business address is 5801 North Avenue, Carmichael, California.

2. I have personal and direct knowledge of the facts set forth in this declaration, and I will testify to them if called upon to do so.

DECLARATION OF ANN LINK, Ph.D.
(C11-5424BHS) — 1



Kathleen T. Kellner & Associates, P.C.
Law Offices
1911 Third Street, Suite 200
Tacoma, WA 98402
253.266.1111

12/13/2012 10:13 9154095624

C.G. COUNSELING

PAGE 82

1 3. In 1984 and 1985, I was a psychology intern and Ph.D. candidate. Starting in
2 approximately September of 1984, I began treating Kathryn Spencer.

3 4. My custom and practice is to keep patient records until 7 years after a patient reaches
4 18 years of age. As a result, I no longer have any records regarding my care and treatment of
5 Kathryn Spencer. I do, however, have an independent recollection of my sessions with
6 Kathryn as described in this declaration.

7 5. Prior to my first session with Kathryn I met with Kathryn's mother to obtain
8 background information regarding Kathryn.

9 6. After meeting with Kathryn's mother I met privately with Kathryn on multiple
10 occasions. During my sessions with Kathryn she manifested a high level of anxiety. For
11 example, I recall Kathryn balling up on the floor. I utilized play therapy, a form of
12 psychotherapy, to reduce anxiety, encourage communication and promote healthy coping.
13

14 7. I specifically recall that at no point during my sessions with Kathryn did she describe
15 being molested by anyone.

16 8. During play therapy sessions with Kathryn, I used play therapy supplies including
17 toys, doll house dolls and art materials. Kathryn did not demonstrate any abuse to me using
18 play therapy supplies.

19 9. I have a vague recollection of being contacted by a member of law enforcement from
20 Washington, either a police officer or prosecutor, to discuss my treatment of Kathryn. At that
21 time I told whoever I spoke with that Kathryn had not described any of the alleged abuse to me.
22

23 10. I never would have told any person, including law enforcement, that Kathryn had
24 described any abuse to me because she had not done so.

25 11. I never had any further contact with law enforcement about being a witness to any
26 alleged abuse.
27

DECLARATION OF ANN LINK, Ph.D.
(CII-5424BHS) — 2

Kathleen T. Zellmer & Associates, P.C.
LAW OFFICES
1001 Midway Road
Suite 210
Columbia, SC 29204
704.344.1111

12/19/2012 10:19 9164895624

G.G. COUNSELING

PAGE 09

1 12. I have had the opportunity to review and make changes to this affidavit, and it is
2 accurate to the best of my memory and recollection.

3 SIGNED this 13 day of December, 2012 in Carmichael, California.

4 Respectfully submitted,

5
6 Ann Link, Ph.D.
7 Ann Link, Ph.D.

8 Subscribed and Sworn to Before me
9 this __ day of December, 2012

10
11 Notary Public

12 SEE ATTACHED FOR
13 REQUIRED CALIFORNIA
14 WORDING

15
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24
25
26
27
DECLARATION OF ANN LINK, Ph.D.
(C11-3424BHS) — 3

William T. Zellner & Associates, P.C.
LAW OFFICES
1901 Riverchase Road
Suite 612
Birmingham, Alabama 35244-1101

12/13/2012 10:13 9164895624

C.C. COUNSELING

PAGE 04

CALIFORNIA JURY WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8204

- ☐ See Attached Document (Notary to cross out lines 1-5 below)
☒ See Statement Below (Lines 1-5 to be completed only by document signer(s), not Notary)

① Anna Link

① Anna Link
Signature of Document Signer No. 1N/A
Signature of Document Signer No. 2 (if any)

State of California

County of Sacramento

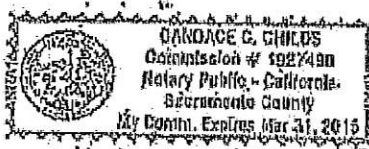
Subscribed and sworn to (or affirmed) before me

on this 13 day of Dec, 2012

by

(1) Anna Link
Name of Signerproved to me on the basis of satisfactory evidence
to be the person who appeared before me (1) (X)

(and

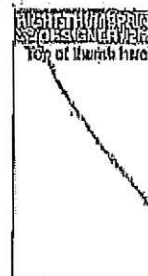
(2) _____
Name of Signerproved to me on the basis of satisfactory evidence
to be the person who appeared before me.)Signature Caroline O. Chiles
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable
to persons relying on the document and could prevent fraudulent removal
and misattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: DeclarationDocument Date: Dec 13, 2012 Number of Pages: 5/6Signer(s) Other Than Named Above: N/A

12/05/2012 08:29 9164896624

C.O. COUNSELING

PAGE 01

ANN LINK PH.D.
5801 NORTH AVE
CARMICHAEL, CA, 95608
916-489-6082

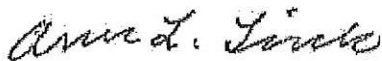
November 30, 2012

Kathleen Zellner
1901 Butterfield Road, Suite 650
Downers Grove, Illinois 60515
Fax: 206-757-7700

Dear Ms. Zellner:

I am not allowed and cannot disclose whether or not Kathryn Spencer noted in the subpoena served to me November 29, 2012 is known to me or has been under my care. If the person has been my client, I could not provide any information without a signed release or a valid court order.

Sincerely,



Ann L. Link, Ph.D.



Spencer005950

Authorization For Release of Information

Patient Name: Kathryn Spencer (married name Kathryn Tutz)
 SS Number: 346-89-8437
 Date of Birth: 1/13/79
 Address: 881 O Street, Lincoln, CA 95648

By signing this authorization form I authorize Ann Little, Ph.D., to disclose my health information, including any and all mental health information as described below, to Kathleen T. Zellmer, (PO) 201 Fairfield Road, Suite 650, Downers Grove, Illinois,

By signing this authorization form I authorize Ann Little, Ph.D., to discuss over the telephone my health information, including any and all mental health information as described below, with Kathleen T. Zellmer, at (630) 955-1212,

I have signed this form voluntarily in order to document my wishes regarding the use and/or disclosure of the health information described below.

Description of Health Information I Authorize to be Used or Disclosed:

The following is a specific description of the health information I authorize to be disclosed: my entire chart, including but not limited to patient treatment, history, and all psychiatric records, psychological records, diagnoses, notes, therapy notes, counseling notes, medication records, dates of treatment, and the like.

Description of Purpose for the Requested Use and/or Disclosure:

I authorize health information to be disclosed for the purpose of its utilization in the pending lawsuit of Spencer v. Pater et al., Case No. C11-5424BHS, pending in the U.S. District Court for the Western District of Washington at Tacoma.

Rights with Respect to This Authorization:

Right to Revoke: I understand I have the right to revoke this authorization at any time. I also understand that my revocation of this authorization must be in writing. To obtain a copy of my authorization revocation form I may contact Kathleen T. Zellmer & Associates. I am aware that my revocation will not be effective as to disclosures of my health information that the disclosing party and the receiving party have already made upon reliance of this authorization.

Right to Receive Copy of This Authorization: I understand that if I agree to sign this authorization, which I am not required to do, I must be provided with a signed copy of it.

Expiration: This authorization will expire 90 days after signing below unless revoked prior to the expiration date.

I, Kathryn Spencer (married name Kathryn Tutz), have had the opportunity to review and understand the contents of this form. By signing this form, I am certifying that it accurately reflects my wishes.

Kathryn Spencer Tutz
 Kathryn Spencer Tutz

12-10-2012
 Date

State of California County of Placer

Subscribed and Sworn to Before Me
 this 10 day of December, 2012

Marshila R. Patel
 Notary Public





‘ମହାବଳେଶ୍ଵର’

Tue, Dec 11, 2012 at 3:28 PM

Dr. Link.

I have attached a declaration based on the information you provided today to Mrs. Zellner. The draft is being sent in Word format, so that you can make any alterations or deletions as necessary.

Please make any changes you deem appropriate and sign the declaration before a notary. If you would be so kind, please fax a copy of the declaration to us at 630-955-1111, and mail the original to us at:

Kathleen T. Zellner & Associates, P.C.
1901 Butterfield Road, Suite 550
Downers Grove, Illinois 60515

Due to court deadlines time is of the essence, so we would ask that you send the signed declaration back to us as soon as possible. We would sincerely appreciate it if you could send it back to us if at all possible by tomorrow.

Sincerely,

Nicholas Curran

Kathleen T. Zellner & Associates, P.C.
Esplanade IV
1901 Butterfield Road, Suite 650
Downers Grove, Illinois 60515
Office: (630) 955-1212
Fax: (630) 955-1111

website: kathleenzellner.com




Confidentiality Notice: This communication is confidential and may contain privileged information. If you have received it in error, please notify the sender by reply email and immediately delete it and any attachments.

Gmail - Ann Dr. Link (Declaration regarding Kathryn Spencer)

<https://mail.google.com/mail/u/0/?ui=2&ik=a0e2ca25a2&view=pt&q=...>

without copying or further transmitting the same.

 Declaration of Ann Link (draft).docx
39K